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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
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12 3taps, Inc.,  
13 Plaintiff,  
14 vs.  
15 LinkedIn Corporation,  
16 Defendant.  
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Case No. 18-cv-00855-EMC

**[PROPOSED] ORDER GRANTING  
DEFENDANT LINKEDIN'S MOTION  
TO DISMISS**

Judge: Hon. Edward M. Chen  
Hearing Date: November 18, 2021  
Hearing Time: 1:30 p.m.  
Ctrm: Courtroom 5  
Trial Date: None Set

1 On August 13, 2021, Defendant LinkedIn Corporation (“LinkedIn”) moved to dismiss the  
2 Complaint of Plaintiff 3taps, Inc. (“3taps”) in this action. Having reviewed and considered the  
3 parties’ written submissions and arguments, as well as the other related papers and pleadings on  
4 file herein, and finding good cause appearing, the Court hereby GRANTS Defendant’s Motion to  
5 Dismiss.

6 Plaintiff’s Complaint presents a single claim for declaratory relief regarding the Computer  
7 Fraud and Abuse Act. The Court finds that Plaintiff’s Complaint must be dismissed because  
8 there is no Article III case or controversy between the parties and as such no subject matter  
9 jurisdiction. First, 3taps alleges no concrete harm, the hallmark requirement of standing to  
10 maintain suit. Second, there is no actual case or controversy between 3taps and LinkedIn because  
11 there is no ripe dispute; 3taps’ Complaint improperly presents a request for an advisory opinion.

12 Accordingly, IT IS HEREBY ORDERED THAT, for the reasons explained above,  
13 LinkedIn’s Motion to Dismiss is GRANTED. 3taps’ claim against LinkedIn is hereby  
14 DISMISSED WITH PREJUDICE.

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16 **IT IS SO ORDERED.**

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18 DATED: \_\_\_\_\_

By: \_\_\_\_\_  
HON. EDWARD M. CHEN  
UNITED STATES DISTRICT JUDGE